

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

ELLISON ROBERT BURNS, SR.,)
)
Plaintiff,)
)
v.)
)
U.S. DEPARTMENT OF)
LABOR/OLMS; STATE OF GEORGIA;)
INTERNATIONAL LONGSHOREMEN)
ASSOCIATION; MR. WILBERT)
ROWELL, International Vice)
President; WILLIE SEYMORE,)
I.L.A. Local 1414 President;)
and WILLIE SEYMORE,)
International Vice President;)
)
Defendants.)

CASE NO. CV413-261

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SO. DIST. OF GA.

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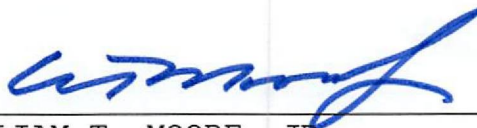
FILED
U.S. DISTRICT COURT
SAVANNAH, GA.

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 12), to which objections have been filed (Doc. 15). After a careful de novo review of the record in this case, the Court concludes that Plaintiff's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case with the following modification: the District Court declines to impose any sanction on Plaintiff at this time. As a result, Plaintiff's complaint is **DISMISSED WITH PREJUDICE**. The Clerk of Court is **DIRECTED** to close this case. Plaintiff's Motion to Appoint Counsel (Doc. 15) is **DENIED**.

Despite this Court's decision not to sanction Plaintiff by requiring him to post a \$100 frivolity bond prior to filing any future complaint, Plaintiff should strive to exercise better discretion when filing complaints in this Court. A failure to heed this warning may very well result in the imposition of sanctions that make it more difficult for Plaintiff to appear in this Court without the payment of any fees. See Robbins v. Universal Music Group, 2013 WL 1146865, at *2 (S.D. Ga. Mar. 19, 2013) (requiring the plaintiff to post with each new complaint \$100 frivolity bond that would be surrendered should case be dismissed as frivolous). In this regard, Plaintiff would do well to remember that appearing in forma pauperis before this Court is a privilege rather than a right. The Court will not tolerate litigants abusing this privilege by filing frivolous complaints without the payment of any fees.

SO ORDERED this 28th day of April 2014.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA